

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K.L., individually and on behalf of M.L., a child
with a disability,

Plaintiffs,

DECLARATION

-against-

Case No. 12 Civ. 6313

WARWICK VALLEY CENTRAL SCHOOL DISTRICT,

Defendant.

MICHAEL J. CUDDY, JR., declares and states as follows:

1. I am an attorney duly admitted in the State of New York, and I was co-counsel for plaintiff in the underlying matter. I make this declaration from personal knowledge, the attached exhibits, and the administrative record, and I submit this declaration in support of plaintiff's motion for attorneys' fees.

2. I am a graduate of Le Moyne College (B.A., History, 1982), Carnegie-Mellon University (M.A., History, 1983), the State University of New York at Buffalo School of Law (J.D., 1988), New York State School of Industrial and Labor Relations (Graduate Certificate, Labor Relations, 1993), and Canisius College (M.S., Educational Administration, 1994).

3. For nineteen years, I worked as a school district administrator representing school districts in collective bargaining negotiations, grievance hearings, and arbitrations, and in matters before the New York State Public Employment Relations Board, New York State Department of Labor, and the New York State Division of Human Rights.

4. While a school district administrator, I served as the hearing officer in over a hundred "superintendent's hearings" related to student discipline in accordance with Section 3214 of the Education Law.

5. I was appointed as a school district attorney for the Orleans-Niagara Board of Cooperative Educational Services (BOCES) in Medina, New York, where I was employed from 1990 through 1994, and as a school district attorney for the Lewiston-Porter Central School District, where I was also assigned as a school district administrator from 1990 through 1993 in conjunction with my employment at the BOCES. I also represented the Ithaca City School District in matters before the New York State Division of Human Rights and the New York State Department of Labor while employed as an administrator by the District from 1996 through 2006.

6. Furthermore, I was employed as an adjunct member of the faculty of the State University of New York at Brockport from 1994 through 1996, and taught graduate-level “Education Law” course as a part of the college’s graduate program in educational administration.

7. Since 2009, I have worked for the Cuddy Law Firm, P.C. (previously the Law Office of Andrew K. Cuddy), and in that capacity I have represented parents in dozens of impartial due process hearings in various school districts, including Goshen, Lake George, New York City, Taconic Hills, and West Genesee. I have represented parents in initiating due process hearings under the IDEA which were successfully resolved prior to hearing, in such school districts as Geneva, Pine Bush Central School District, New York City, and Valley Central School District. In addition, my work has included other education-related matters, including student discipline at the university level, teacher discipline in a public school setting, and representing an out-of-state private school for special needs students in its dealings with the New York State Education Department.

8. I have made presentations on special education law topics for such organizations as the Parent Support Network of Rockland County, Bronx-Lebanon Hospital Autism Clinic, Einstein Medical Center, Bronx Autism Society, and the New York State Mental Retardation/Developmental Disabilities Nurses’ Association.

9. My time is kept contemporaneously and maintained on the office spreadsheet that accurately reflects my time spent on this matter.

10. I have reviewed the itemization attached to the declaration of Andrew K. Cuddy, and it includes an accurate description of my time entries. My hourly rate for 2013 is \$475.00 per hour in the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 1st day of March, 2013.

s/ Michael J. Cuddy, Jr.

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